

OGC Has Reviewed

5 January 1954

MEMORANDUM FOR: Deputy Chief, EE/Admin

VIA : Chief, Administration, ED/P

SUBJECT : Credit of Overseas Service with Military Forces
Towards Two Years Abroad

REFERENCES : a. Your memorandum dated 14 December 1953, same
subject

b.

1. Reference a requests a statement of our interpretation of law and regulations as applied to the credit of combined military and civilian CIA service as qualifying criteria for PCS and home leave travel to the XI. This matter as indicated in paragraph 3 of reference a was the subject of an opinion of this office dated September 30, 1953, a copy of which is appended hereto for your files. This office perceives no reason to revise the conclusions of this opinion at this time.

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3. We can see no legal objection to an Agency policy which supports the conclusion of paragraph 2 in reference b that military personnel who civilianize in the field need complete only two continuous years of combined military and civilian Agency overseas service to be returned PCS to the XI. We believe this is entirely a matter of policy

and might appropriately be covered by regulation. However, completion of such a period of combined service does not establish entitlement to "home leave". This entitlement is statutory and may not be granted unless the statutory conditions, as above interpreted, are met.

4. If the foregoing is insufficient to enable you to correct the field's misunderstanding, we would be pleased to discuss this matter further.

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Office of General Counsel

Attachments

OGC/GHK:est

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